

## **REMARKS**

In the last Office Action, Claims 1, 2, 13-15, 17-19, 21, 23 and 24 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,532,404 issued to Colens ("Colens"). Applicants appreciate the indication of allowable subject matter in claims 3-12, 16, 20, 22 and 25-30.

Applicants have amended claims 1, 3, 12, 16, 20, 21, 22, 25 and 26. Claims 3, 12, 16, 20, 22, 25 and 26 have been amended and placed in independent form, including the subject matter of the base claim and any intervening claims from which they depended. Claims 1 and 21 were amended to clarify the claimed subject matter. Applicants respectfully submit that all claims are in condition for allowance.

Applicants respectfully traverse the rejection of claims 1, 2, 13-15, 17-19, 21, 23 and 24 under 35 U.S.C. § 102(e) as being anticipated by Colens for at least the reason that Colens fails to disclose every claimed element. Regarding independent claims 1, as amended, Colens does not disclose or suggest the steps of "providing a dust monitoring device at the work location; monitoring a dust condition of the work location with the dust monitoring device; generating a dust control signal in response to monitoring the dust condition; [and] dispatching the mobile dust control machine to the work location in response to the dust control signal . . ." and "the dust control machine being disposed distant from the work location . . ."

Colens discloses an automatic dust control machine which includes onboard sensors for monitoring a dust condition. (Col. 4, lines 4-5; col. 9, lines 4-6). The sensors monitor the amount and characteristics of the dust ingested or disturbed by the dust control machine at the suction inlet of the dust control machine. (Col. 9, lines 7-16).

Because the sensors work by analyzing the amount and characteristics of the dust ingested or disturbed by the dust control machine at the suction inlet, the sensors are necessarily and appropriately located onboard the dust control machine. The signals from the sensors are used to adjust the movement of the machine. (See e.g. col. 9, lines 24-46).

Because the dust monitor of Colens is located onboard the dust control machine, the monitor cannot be at the work location and generate a signal that dispatches a dust control machine located distant from the work location. Thus, the device of Colens does not perform all of the steps of independent claim 1.

Similarly, regarding independent claim 21, as amended, Colens does not disclose or suggest a system comprising "a dust monitor disposed and arranged at a work location to monitor a dust condition of the work location and being operable to produce a dust control signal; and a mobile dust control machine configured to treat a dust condition within the work location, the dust control machine being movable to the work location from a position distant from the work location in response to the dust control signal."

Because the dust monitor of Colens is located onboard the dust control machine, the monitor cannot be at the work location and generate a signal that dispatches a dust control machine located distant from the work location. Thus, the device of Colens does not perform all of the steps of independent claim 21.

Accordingly, the Section 102(e) rejection of claims 1 and 21 and claims 2, 13-15, 17-19, and 23 and 24, which ultimately depend from one of claims 1 or 21, is improper and should be withdrawn.

Claims 3, 12, 16, 20, 22, 25 and 26 were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As such, Applicants respectfully submit that independent claims 3, 12, 16, 20, 22, 25 and 26 and claims 4-11 and 27-30, which ultimately depend from one of the allowable independent claims, are in condition for allowance.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 

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